

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
MEETING HIGHLIGHTS
Tuesday, January 14, 2014
9:00 a.m.**

Attendees: Council Member Turner Perrow, Chair, Vice Mayor Ceasor Johnson, Council Member Joan Foster, Mayor Michael Gillette, ex-officio

Staff Present: Kimball Payne, Gaynelle Hart, Kent White, Kevin Henry, Lee Newland, Ryan Roberts, Starlette Early

Others Present: Russ Nixon (Nixon Land Surveying, LLC), Alicia Petska (News & Advance)

Contract Awards:

Mr. Newland reviewed the report of three contracts, including two signal replacements at different locations by same contractor. He confirmed unit pricing for a signal varies with size, but typically runs between \$120,000 and \$150,000. Council Member Perrow stated it would be helpful for PDC to have a better understanding of how the anticipated contract amount or unit pricing compares to actual for those projects where a specific budgeted amount is not applicable. There was additional discussion to clarify identity of contractor and phases of the Wards Road Pedestrian Trail project.

Update on Priority Projects:

Mr. Newland provided highlights of each project status, reporting many projects are closing out by year-end (before winter weather impacts) and several are on schedule to get started once spring arrives.

General Business:

1. Vacate an alley between 401 Bay Street and 2517 Memorial Avenue-- Mr. Tony West (Westward Investment Properties, LLC) is petitioning to vacate an alley between 401 Bay Street and 2517 Memorial Avenue. The alley is eighty (80) feet in length and ten (10) feet wide. This alley vacation petition is in conjunction with a rezoning petition for B-3, Community Business District to B-5C, General Business District (Conditional) that has been submitted for a portion of the property at 2517 Memorial Avenue. Currently a parking garage encroaches into the alley by about four and a half (4.5) feet. If the rezoning petition and subsequent site plan are approved, the petitioner plans to construct a commercial building in the same location as the parking garage. The parking garage is planned to be demolished if the rezoning petition and subsequent site plan are approved. The alley vacation will allow the commercial building to be built in the same footprint as the garage. The alley does not currently serve a function as it is unopened and all the adjoining properties have right of way access through other means. The adjoining property owner at 401 Bay Street (Ms. Tammy K. Foutty) has not consented to the proposed vacation. The petitioner has tried a variety of methods in contacting the owner without success. Therefore, the petitioner sent a certified letter to the owner informing her of the proposed action, still with no response. This particular neighbor would obtain approximately less than two hundred (200) square feet of new property. Although the adjoining property owner has not consented, there appears to be minimal impact with the proposed vacation.

Mr. Henry summarized the petition, noting specifically it was being done in conjunction with a rezoning that would come before City Council later in February. Plans are to construct a building that will house individual commercial storage units and introduced Mr. Russ Nixon as representing the petitioner.

Council Member Foster inquired about the attempts to contact the property owner at 401 Bay Street and how this person was affected by this request. Mr. Henry confirmed the petitioner used numerous methods to contact the neighbor to obtain her consent, with no response. Mr. Nixon indicated he met with the property owner and suggested she does not understand what it means to vacate an alley. He believes she is being cautious with respect to how this process would result in her being “gifted” additional property. During her meeting with Mr. Nixon, the property owner asked if someone representing the City would come to talk with her so she could have a better understanding of this request and its impact. Mr. Nixon described the usage of her current lot configuration and indicated she is already using part of the alley that would be vacated as her own property. The certified letter sent to the property owner from the petitioner contained the City’s contact information, but the City has not met with property owner at this point. Mr. Henry offered to make a visit to provide further information and answer any questions.

Vice Mayor Johnson inquired about the benefit to the City. Mr. Nixon stated the existing parking deck structure has existed over 50 years and is not currently being maintained. It will soon become a problem area and converting it to commercial storage space will change the potential eyesore to an income-producing asset. The alley vacation will allow the parking deck to be repurposed as a storage unit, as a portion of the current deck/garage is positioned in the alley. Mr. Nixon also noted that historically the alley has never been used as an alley.

Council Member Perrow proposed the storage building was a clever idea that served to reduce the structural load on the existing parking deck while generating income for the owner. Council Member Foster suggested someone from the City should meet with the neighboring property owner to better explain the process, allow her the opportunity to understand how this would benefit everyone, and establish goodwill. Mayor Gillette supported the idea of vacating the alley, but also requested it come to City Council subsequent to receiving this property owner’s consent. With those objections, the consensus by PDC was to move to full Council with recommendation for approval.

2. Appropriation of Proceeds from the Sale of Property for Highway Projects-- In 2009 the Virginia Department of Transportation (VDOT) transferred land from excess right of way at the intersection of Old Forest Road and Lakeside Drive to the City. The City combined this land in 2013 and the site was purchased by a developer with plans to build a shopping center, which included “The Fresh Market” specialty grocer. To accommodate the additional traffic and to improve the traffic flows in the area, the City partnered with the developer to improve Whitehall Road and coordinate the signals. These improvements created an additional site between Whitehall Road, Lakeside Drive and the new road constructed by the developer. The Developer, S.J. Collins, asked to purchase the new parcel and City Council approved the sale on September 10, 2013. Proceeds received from the sale of property originally acquired through State transportation funds must be used on transportation projects. The project to design improvements to traffic flow on Lakeside Drive has an estimated cost of \$150,000 and meets the requirements for use of these funds. The design will determine if additional property can be sold and not impact the construction of the one-way pairs as Council approved on July 11, 2006. The remaining design funds will come from the Whitehall Road Improvements.

Mr. Newland explained background regarding the request and clarified usage of proceeds was for the planning/design for transportation flow improvements related to overall Lakeside Drive/Whitehall

Road/Old Forest Road area and not specific to parcel that was sold resulting in the funds. He noted staff supports adopting a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate \$131,575 with resources from the sale of property at 2400 Lakeside Drive to design improvements to transportation infrastructure in the Whitehall Road/Lakeside Drive/Old Forest Road area. He also indicated the request would go before the Finance Committee on 1/28/14 before moving to full Council that same evening.

All PDC members supported the appropriation request and recommended moving forward to Council for their approval.

Roll Call:

Council Member Foster-- Asked to re-visit the Community Gardens issue and follow-up information regarding potential CDBG funding to support their development. She inquired about the process to make them a funding and land-use priority, and whether it was appropriate to incorporate them in the Comprehensive Plan or other strategic planning document.

Mr. White stated the Comprehensive Plan is designed to address core components and over-arching themes that impact access to healthy foods such as mobility, connectivity, and economic development. The City is approaching food deserts at the neighborhood planning level and cited the Tinbridge Hill Neighborhood Plan as a model of that approach. The Tinbridge Hill initiative is looking at the community garden already in place and how it works for them. Taking inventory within each neighborhood allows the City to evaluate what access is already in place, how best to establish connections to the food sources within the community (gardens, non-profit resources, food trucks, etc.) and create a plan that addresses the particular needs of that community.

Ms. Foster inquired how to best facilitate creating a plan to address the overall problem of food deserts within the City. Ms. Hart shared the work of her committee, together with Kay Frazier, Tim Mitchell and the Food Council, to identify city properties that might be appropriate for community gardening. They are working to establish guidelines for use of the property, along with issues related to managing these community gardens. A primary concern is the lack of staff available to manage these gardens and the City is working towards having the Food Council take a lead role in the management issues that will arise from having these gardens. Ms. Foster felt this work needed to be mentioned as part of the Comprehensive Plan for land use to demonstrate the City's concern and action.

Vice Mayor Johnson-- Inquired about whether there were any ribbon-cutting or celebration plans to commemorate the completion of projects such as 5th Street and Kemper Street area. Mr. White indicated there were earlier discussions about commemorating the completion of each phase of 5th Street and City staff could revisit these plans. Mr. Payne indicated the 5th Street festival recently held was intended as a celebration for this area, but weather was a factor in attendance. Council Member Foster agreed that a celebration of the Kemper Street area would demonstrate that the traffic inconveniences that are endured during the construction stage lead to wonderful outcomes.

Council Member Perrow-- Noted he had spoken with Timothy Mitchell at Water Resources regarding a significant spike in water pressure on Seven Oaks Drive. Due to a recent change in the size of the water line in this neighborhood (4 inch to 8 inch), there is more water to draw from and causing pressure to stay at a higher level. He requested notices be sent to property owners to make them aware and take necessary steps to avoid damage to appliances.

Council Member Perrow also stated his interest in having the City make a meaningful contribution to advance the Clay Street Reservoir project, specifically with the Lynchburg Historical Foundation working to have the Water Bearer statue re-sculpted out of bronze. He would like to see the City make it a permanent facility, suggesting a cultural destination point of some type such as a walking or botanical garden with seating area. Vice Mayor Johnson suggested looking into CDBG funds that might tie-in the reservoir/garden area as a walking destination from Fifth Street.

Next meeting: February 11, 2014